

EXPRESS MAIL NO. EL981884065US

PTO/SB/01A (05-03)

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## DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

**Title of Invention****SYSTEM AND METHOD FOR EXCITATION OF PHOTOREACTIVE  
COMPOUNDS IN EYE**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

☐ The attached application, or☒ Application No. **10/677,645**, filed on **October 2, 2003**,☐ as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME OF INVENTOR(S)**Inventor one: **Gregory L. Heacock**Citizen of: **United States**Signature: Date: **7/23/04**Inventor two: **Darrin Huston**Citizen of: **United States**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Inventor three: **James C. Chen**Citizen of: **United States**Signature: Date: **7/27/04**Inventor four: **Steven R. Daly**Citizen of: **United States**Signature: Date: **7/22/04**☐ Additional inventors are being named on \_\_\_\_\_ additional form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



EXPRESS MAIL NO. EL981884065US

PTO/SB/81 (06-03)

Approved for use through 11/30/2005 OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM</b>	Application Number	10/677,645
	Filing Date	October 2, 2003
	First Named Inventor	Gregory L. Heacock
	Title	SYSTEM AND METHOD FOR EXCITATION OF PHOTOREACTIVE COMPOUNDS IN EYE
	Group Art Unit	
	Examiner Name	
	Attorney Docket Number	59785-6

I hereby appoint:

☒ Practitioners at Customer Number:

22504

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

<input type="checkbox"/> Firm or Individual Name				
Address				
City	State	ZIP		
Country				
Telephone	Fax			

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

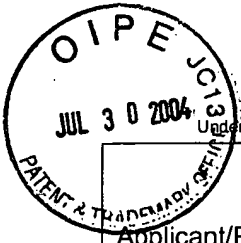
SIGNATURE of Applicant or Assignee of Record

Name	David B. Shine		
Signature			
Date	2/5/04	Telephone	425-369-2865

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.131 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Gregory L. Heacock et al.Application No./Patent No.: 10/677,645 Filed/Issue Date: October 2, 2003Entitled: SYSTEM AND METHOD FOR EXCITATION OF PHOTOREACTIVE COMPOUNDS IN EYELight Sciences Corporation

(Name of Assignee)

a

corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
2. ☐ the assignee of an undivided part interest

In the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above.  
The assignment was recorded in the United States Patent and Trademark Office at Reel [\_\_\_\_],  
Frame [\_\_\_\_], or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s) of the patent application/patent identified above, to the current assignee as shown below:

1. From: [\_\_\_\_] To: [\_\_\_\_]

The document was recorded in the United States Patent and Trademark Office at  
Reel [\_\_\_\_], Frame [\_\_\_\_], or for which a copy thereof is attached.

2. From: [\_\_\_\_] To: [\_\_\_\_]

The document was recorded in the United States Patent and Trademark Office at  
Reel [\_\_\_\_], Frame [\_\_\_\_], or for which a copy thereof is attached.

3. From: [\_\_\_\_] To: [\_\_\_\_]

The document was recorded in the United States Patent and Trademark Office at  
Reel [\_\_\_\_], Frame [\_\_\_\_], or for which a copy thereof is attached.☐ Additional documents in the chain of title are listed on a supplemental sheet.☒ Copies of assignments or other documents in the chain of title are attached.

**NOTE:** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

5 FEB 04

Date

David B. Shine

Typed or printed name

David B. Shine

Signature

Vice President of Engineering

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

## ASSIGNMENT

WHEREAS, we, Gregory L. Heacock, Darrin Huston, James C. Chen, and Steven R. Daly, (hereinafter referred to as ASSIGNORS), having post office addresses of 19027 Southeast 320th Street, Auburn, Washington, 98092; 37330 246th Avenue SE, Enumclaw, Washington, 98022; 2011 87th Place Northeast, Bellevue, Washington, 98004; and 3508 211th Place Southeast, Sammamish, Washington, 98075, respectively, are the joint inventors of an invention entitled "SYSTEM AND METHOD FOR EXCITATION OF PHOTOREACTIVE COMPOUNDS IN EYE," as described and claimed in the specification forming part of an application for United States letters patent filed October 2, 2003, as United States Patent Application No. 10/677,645, which claims the benefit of Provisional Application No. 60/415,948, filed on October 3, 2002.

WHEREAS, Light Sciences Corporation (hereinafter referred to as ASSIGNEE), a corporation of the State of Washington, having a place of business at 34931 Southeast Douglas Street, Suite 200, Snoqualmie, Washington, 98065, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE, the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns for their use and benefit and of their successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS



Date \_\_\_\_\_

By Darrin Huston

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

I certify that I know or have satisfactory evidence that Darrin Huston is the person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated \_\_\_\_\_  
Signature of \_\_\_\_\_  
Notary Public \_\_\_\_\_  
Printed Name \_\_\_\_\_  
My appointment expires \_\_\_\_\_

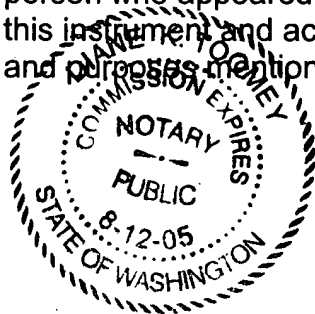
7/27/2004  
Date

By James C. Chen  
James C. Chen

STATE OF Washington )  
COUNTY OF King ) ss.

I certify that I know or have satisfactory evidence that James C. Chen is the person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 7/27/2004  
Signature of [Signature]  
Notary Public [Signature]  
Printed Name Diane K. Toomey  
My appointment expires 8-12-05

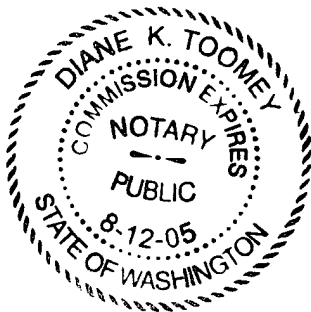


7/22/04  
Date

By [Signature]  
Steven R. Daly

STATE OF Washington )  
COUNTY OF King ) ss.

I certify that I know or have satisfactory evidence that Steven R. Daly is the person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.



Dated 7/22/2004  
Signature of [Signature]  
Notary Public  
Printed Name Diane K. Toomey  
My appointment expires 8-12-2005



EXPRESS MAIL NO. EL981884065US

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Gregory L. Heacock  
Application No. : 10/677,645  
Filed : October 2, 2003  
For : SYSTEM AND METHOD FOR EXCITATION OF  
PHOTOREACTIVE COMPOUNDS IN EYE TISSUE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION OF ARCELIE GRAPES IN SUPPORT OF PETITION UNDER  
37 C.F.R. § 1.47(a)

Commissioner for Patents:

I, Arcelie Grapes, declare and state that:

I am a Paralegal at Light Sciences Corporation;

The inventors named in U.S. Patent Application No. 10/677,645, filed October 2, 2003, are Gregory L. Heacock, Darrin Huston, James C. Chen, and Steven R. Daly;

All of the named inventors except for Mr. Huston have executed the inventor declaration and Assignment;

Mr. Huston is no longer employed by Light Sciences Corporation;

I sent a copy of the application as filed, the inventor declaration, and Assignment to Mr. Huston for signature on March 30, 2004, at his last known address;

Attached as Exhibit 1 is a copy of the return receipt postcard from the Post Office, indicating that the documents I sent to Mr. Huston were signed for on April 7, 2004; and

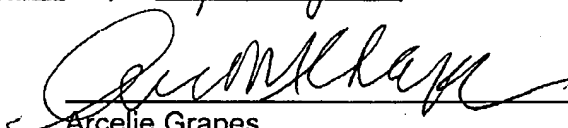
Mr. Huston has neither returned the declaration nor Assignment to Light Sciences Corporation.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under



Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of any patent issuing from this patent application.

Dated this 29<sup>th</sup> day of July, 2004.

  
\_\_\_\_\_  
Arcelie Grapes

2600 Century Square  
1501 Fourth Avenue  
Seattle, WA 98101-1688  
Phone: (206) 622-3150  
Facsimile: (206) 628-7699

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

Darrin Huston  
37330 246<sup>th</sup> Avenue SE  
Enumclaw, WA 98022

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature ☐ Agent ☒ Addressee  
 B. Received by (Printed Name) C. Date of Delivery  
 D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☐ No

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☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

**2. Article Number**

(Transfer from service label)

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Domestic Return Receipt

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**lightsciences**  
CORPORATION

34931 SE Douglas Street, Suite 200  
Snoqualmie, Washington 98065

Attn: Arcenie Grapes

02

